

Amendments to House Bill No. 119  
1st Reading Copy

Requested by Representative Chuck Hunter

For the House Business and Labor Committee

Prepared by Bartley Campbell  
January 12, 2009 (9:58am)

1. Title, line 12.

**Following:** "LOSSES;"

**Strike:** "REVISING THE DEFINITION OF "UNINSURED EMPLOYER";"

**Insert:** "CLARIFYING THAT THE TIME TO APPEAL TO MEDIATION IS FROM  
THE DATE OF DETERMINATION BY THE DEPARTMENT;"

2. Title, line 19.

**Following:** "39-71-307,"

**Strike:** "39-71-501,"

**Insert:** "39-71-520,"

3. Page 1, line 26.

**Following:** "recognize"

**Strike:** "and give effect to"

**Insert:** ", with the same effect as the exclusive remedy and  
benefits under plans No. 1, 2, and 3,"

4. Page 19, line 15 through line 27.

**Strike:** Section 10 in its entirety

**Insert:** "Section 10. Section 39-71-520, MCA, is amended to read:

"39-71-520. Time limit to appeal to mediation --  
petitioning workers' compensation court -- failure to settle or  
petition. (1) A dispute concerning uninsured employers' fund  
benefits must be appealed to mediation within 90 days from the  
date of the determination by the department or ~~the date that~~ the  
determination is considered final.

(2) (a) If the parties fail to reach a settlement through  
the mediation process, any party who disagrees with the  
department's determination may file a petition before the  
workers' compensation court.

(b) A party's petition must be filed within 60 days of the  
mailing of the mediator's report provided for in 39-71-2411  
unless the parties stipulate in writing to a longer time period  
for filing the petition.

(c) If a settlement is not reached through mediation and a  
petition is not filed within 60 days of the mailing of the  
mediator's report, the determination by the department is final.

(d) A mediator's report is not a determination by the  
department for the purposes of this section. A determination by  
the department is final if the an appeal to mediation described

in subsection (1) or a petition described in subsection (2)(a) is not filed within the required time period."

{ Internal References to 39-71-520:

39-71-501 x 39-71-517 x 39-71-519 x }

5. Page 24, line 19.

Following: "shall"

Strike: "within 30 days of receipt make payments, at the fee schedule rate,"

Insert: "make payments at the fee schedule rate within 30 days of receipt"

6. Page 24, line 20 through line 21.

Following: "no" on line 20

Strike: "dispute" on line 20 through "condition." on line 21

Insert: "other disputes exist. Disputes must be defined by the department by rule."

7. Page 24, line 24.

Following: "of"

Insert: "receipt of"

8. Page 24, line 28.

Following: "date of"

Insert: "receipt of"

- END -